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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,643	09/15/2003	Yuhki Yanagisawa	1422-0600P	7998

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EXAMINER
DOUYON, LORNA M

ART UNIT PAPER NUMBER

1751

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,643

Applicant(s)

YANAGISAWA ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. This action is responsive to the amendment filed on August 9, 2004.
2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. (EP 0,711,828), hereinafter "Davies".

Davies teaches detergent tablets compacted from detergent powder containing detergent active and detergency builder and contain a polymer which acts as a binder and as a disintegrant and which is sprayed into the powder before compaction (see abstract). The binder like polyacrylates are used in an amount within the range of from 0.1 to 10% by weight of the tablet composition (see page 3, lines 51-53), the total amount of detergent-active material in the tablet is suitably from 2 to 50 wt%, (see page 3, lines 56-57), the builders are used in an amount from 5 to 80 wt% (see page 4, lines 43-44). Davies also teaches that the starting particulate composition may suitably have a bulk density of at least 400 g/liter, preferably at least 500 g/liter and advantageously at least 700 g/liter (see page 3, lines 5-6). In Example 1, Davies teaches a detergent tablet prepared from a detergent base powder comprising surfactant, 40.0 wt% zeolite, 1.0 wt% sodium carbonate, 3.7 wt% sodium disilicate, 16.8 wt% sodium percarbonate and 4.3 wt% water, wherein the base powder was sprayed with 5 wt% polyethylene glycol before compaction and wherein the detergent tablet disintegrate faster (see page 7, line 11 to page 8, line 25). Davies, however, fails to specifically disclose the properties of the tablet such as its capability of releasing a bubble from an inner portion of the particle, dissolution rate and its localized structure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the properties of the detergent tablet of Davies to be within those

recited because similar tablets having similar ingredients with overlapping proportions have been utilized.

3. The terminal disclaimers filed on August 9, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration dates of US Patent Nos: 6,645,931, and 6,376,453 in view of Davies have been reviewed and are accepted. The terminal disclaimers have been recorded.

Response to Arguments

4. Applicants' arguments filed August 9, 2004 have been fully considered but they are not persuasive.

With respect to the obviousness rejection based upon Davies, Applicants argue that Davies may disclose detergent compositions that are compacted to form tablets, but the only examples and teachings given in Davies are to granulated products and Davies never teaches, discloses or suggests the use of spray-dried particles as a base particle, which is completely different from the present invention.

The Examiner respectfully disagrees with the above arguments because the present claims are product-by-process claims, hence, any difference imparted by the product by process limitations would have been obvious to one having ordinary skill in the art at the time the invention was made because where the examiner has found a substantially similar product as in the applied prior art, the burden of proof is shifted to the applicant to establish that their product

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is patentably distinct, not the examiner to show the same process of making, see *In re Brown*, 173 USPQ 685 and *In re Fessmann*, 180 USPQ 324.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313.

The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner
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